

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JOINT MOTION TO EXCLUDE TIME UNDER SPEEDY TRIAL ACT

NOW COMES the defendant Gloria Justiniano, by and through her attorney, Assistant Federal Public Defender Christopher Koyste, Esq., and the United States of America, by and through its attorney, Assistant United States Attorney Robert F. Kravetz, and jointly requests the Court pursuant to Federal Rule of Criminal Procedure 45(b), Local Rule 5(a), and 18 U.S.C. § 3161(h)(2), to exclude under the Speedy Trial Act by twelve months the period of time within which the trial of the above-captioned matter must commence. In support of this motion, the parties submit as follows:

1. The Grand Jury for the District of Delaware indicted the defendant on one count of embezzling \$5,001.40 in benefit checks issued by the Social Security Administration, in violation of 18 U.S.C. § 641.

2. On May 16, 2007, the parties entered into a Pretrial Diversion Agreement, the terms of which provide that the United States will defer prosecution of the defendant for a period of twelve months. Pursuant to the terms of the Agreement, the United States will dismiss the Indictment at the end of the diversionary period if the defendant complies with the conditions set forth in the Agreement.

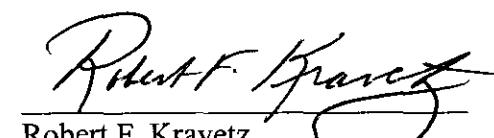
3. A period of delay during which prosecution is deferred pursuant to a pretrial diversion agreement is excludable under the Speedy Trial Act. See 18 U.S.C. § 3161(h)(2). Under the terms of the Agreement entered into between the parties, the defendant agreed that any period of delay during the diversionary period shall be deemed excludable under the Speedy Trial Act.

4. Both parties request that the twelve-month period of time beginning on May 16, 2007, and continuing until May 16, 2008, be excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(2).

Respectfully submitted,



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Dated: June 6, 2007

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ORDER

Having considered the parties' Joint Motion to Exclude Time Under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(2), **IT IS HEREBY ORDERED** this _____ day of _____, 2007, that the time within which trial in the above-captioned matter must commence shall be excluded by a period of twelve months from May 16, 2007, the date in which the parties entered into a Pretrial Diversion Agreement.

IT IS FURTHER ORDERED that a telephonic Status Conference is scheduled for **Friday, May 16, 2008, at 8:30 A.M.**, with the Court initiating said call.

IT IS FURTHER ORDERED that the time between **May 16, 2007** and the **May 16, 2008** teleconference is excluded under the Speedy Trial Act. 18 U.S.C. § 3161(h)(2).

Honorable Sue L. Robinson
Chief United States District Judge